

REMARKS

This is intended as a full and complete response to the Final Office Action dated May 29, 2003, having a shortened statutory period for response set to expire on August 29, 2003, and to the Advisory Action dated August 8, 2003. Claims 9 and 19 have been allowed. In the Advisory Action, the Examiner indicated that the new limitations in claims 1, 5, 6 and 12 recited in the Response to Office Action mailed on July 28, 2003 raise new issues that would require further search and/or consideration. The Examiner also indicated in a telephone interview on August 27, 2003 that the amendments made in the Response to Office Action mailed on July 28, 2003 have not been entered. Applicants reserve the right to subsequently take up prosecution of the claims as originally filed in this application in a continuation, a continuation-in-part and/or a divisional application. Please reconsider the claims pending in the application for reasons discussed below.

In a telephone interview on July 24, 2003, the Examiner indicated that claims 14-24 are patentable over the references of record. Accordingly, claims 1-8 and 10-13 have been cancelled without prejudice, thereby leaving only claims 14-24 pending in the application. Since claims 14-24 do not raise any new issues and are patentable over the references of record, Applicants respectfully submit that claims 14-24 are in condition for allowance. Applicants appreciate the Examiner's courtesy for scheduling and conducting the interview.

Claims 1, 3-8, 10-18, 20-21, 23-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,272,417 (*Ohmi*) in view of US Patent No. 6,413,876 (*Ohmoto*). Applicants respectfully traverse this rejection. Claims 1, 3-8, 10-13 have been cancelled without prejudice. Accordingly, the rejection with respect to those claims is now moot.

Ohmi is generally directed to an RIE device configured to perform etching on a substrate surface. The device includes a plate-like electrode and a plate-like susceptor electrode placed opposite each other. A first high frequency power source provides high frequency power to the susceptor electrode at a first frequency. A second high frequency power source provides high frequency power to the plate-like electrode at a

second frequency that is higher than the first frequency. The first frequency may be 10 to 50 MHz or 100 MHz, while the second frequency is 250 MHz. Further, each electrode is connected to a band eliminator so that only the first high frequency power or the second high frequency power is provided. However, *Ohmi* does not teach, disclose or suggest a high frequency power and a low frequency power source electrically connected to the first electrode, as recited in claim 14. In contrast, *Ohmi* describes connecting two high frequency power sources to a susceptor electrode.

Ohmoto proposes a susceptor electrode connected to an RF power supply through an impedance adjuster composed of a variable capacitor and a filter coil. Like *Ohmi*, *Ohmoto* fails to teach, disclose or suggest a high frequency power and a low frequency power source electrically connected to the first electrode, as recited in claim 14.

Neither *Ohmi* nor *Ohmoto*, alone or in combination, teaches or discloses all the limitations recited in claim 14. Furthermore, there is no suggestion discerned in the references of modifying the devices disclosed therein in the direction of the present invention, nor does there appear to be any suggestion of the desirability of such modifications. Therefore, claim 14 is patentable over the references of record. Claims 16-18 and 20-24 are also patentable over the references of record since they depend from claim 14.

Claims 2 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ohmi* in view of US Patent No. 5,585,012 (*Wu*). Applicants respectfully traverse this rejection. Claim 2 has been cancelled without prejudice, thereby rendering this rejection with respect to claim 2 moot.

With respect to claim 22, neither *Ohmi* nor *Wu*, alone or in combination, teaches or discloses a high frequency power and a low frequency power source electrically connected to the first electrode, as recited in claim 14. Since claim 22 depends from claim 14 and since neither *Ohmi* nor *Wu*, alone or in combination, fails to teach, suggest or disclose all the limitations of claim 14, claim 22 is therefore also patentable over *Ohmi* and *Wu*.

In conclusion, the references cited by the Examiner, neither alone nor in combination, teach, show, or suggest the claimed method or apparatus. Having

addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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